

**STILLWATER TOWNSHIP COMMITTEE MEETING
MINUTES
August 2, 2011
Regular Meeting**

A REGULAR MEETING of the Stillwater Township Committee was called to order by Mayor Scott at 7:05 p.m. noting the meeting date, time and place were duly published in the New Jersey Herald and posted at the Town Hall and advised those present that this meeting was being held in compliance with provisions of P.L. 1975, Chapter 231, Sections 4 & 13.

Roll Call was taken and the flag was saluted.

PRESENT: Mayor Scott, Deputy Mayor Fisher, Committeeman Gross, Committeeman Morrison, Committeewoman Straway, Municipal Clerk Judy Fisher and Attorney Howard Vex.

Executive Session:

After the reading of the following Resolution to enter into Executive Session, a **motion** was made by Mrs. Straway, seconded by Mr. Gross and unanimously carried by roll call vote to adopt the resolution permitting the Committee to go into Executive Session at 6:20 p.m.

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975 permits the exclusion of the public from a meeting under certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist.

NOW THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Stillwater, in the County of Sussex and State of New Jersey as follows:

1. The public shall be excluded from that portion of this meeting.
2. The general nature of the subject matter to be discussed is as follows: **Personnel; Contract Negotiations**
3. As nearly as can now be ascertained, the matter or matters to be discussed at this time will be disclosed to the public when such matters are resolved.

There being no further business to attend to, a **motion** was made by Mr. Morrison, seconded by Mr. Fisher to conclude the Executive Session at 7:05 p.m., unanimously carried by roll call vote.

Regular Session:

CONSENT AGENDA:

ALL MATTERS LISTED BELOW ARE CONSIDERED ROUTINE IN NATURE AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THE ITEMS. IF ANY DISCUSSION IS DESIRED, THAT PARTICULAR ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND WILL BE CONSIDERED SEPERATELY ON THE REGULAR AGENDA.

Minutes: Regular Session – July 19, 2011

Executive Session – July 19, 2011

Mr. Morrison made a **motion** to approve the Consent Agenda, seconded by Mr. Gross.

Roll Call Vote: Mayor Scott, Deputy Mayor Fisher, yes, Mr. Morrison, yes, Mr. Gross, yes, Mrs. Straway, yes,

Bill List Cycle #13: \$695,393.63

Mr. Morrison made a **motion** to approve Bill Cycle #13 in the amount of \$695,393.63, seconded by Mr. Fisher.

Roll Call Vote: Mayor Scott, Deputy Mayor Fisher, yes, Mr. Morrison, yes, Mr. Gross, yes, Mrs. Straway, yes

Amendments to the Agenda: Added Under New Business: Letter from Zoning Officer – Request to attend solar power facilities seminar; Township Website
Removed from Agenda: Building, Courthouse Update

Committeeperson Reports:

Mr. Fisher reported the following on the Recreation Commission: 31 residents signed up for the Garage Sale Day and 27 children will participate in the Summer Recreation Program; the Stillwater Festival will be held on September 24 and a movie night is being planned for Stillwater Park on September 30; a donation was received from Kittatinny Midget Football in the amount of \$1,800 to be used toward the purchase of bleachers.

Mr. Morrison reported the following on the Planning Board: A resolution was memorialized and the Master Plan review will begin in August. A letter was received from Mr. Vreeland regarding an inspection of Baldwin Gate Bridge. As a result of the inspection, additional repairs are being recommended. Mr. Morrison will meet with the engineer to review the options and determine the costs. He will report at the next meeting.

Mr. Gross reported the following on the Zoning Board: The next meeting will be held at Stillwater School, no air conditioning, on August 22, 2011 at 7:30 p.m.

Mayor Scott reported on a bear problem at the Recycling Center and the trash removal schedule is being adjusted to address the problem.

Ordinances 2nd Reading/Adoption

Ordinance Amending Chapter 202 of the Stillwater Township Code Entitle “Flood Damage Prevention” 2011-11
At this point, this portion of the meeting was opened for public comment.

Lisa Chamings, 928 Mt. Holly Road, asked why the ordinance was noticed in full rather than by title and how much did it cost to do so. Mr. Gross stated the notice cost approximately \$800.00. Ms. Chamings noted other municipalities ran it only by title. Mr. Gross stated several towns also ran it in full.

Mr. Gross made a **motion** to adopt Ordinance 2011-11, seconded by Mr. Morrison.

Roll Call Vote: Mayor Scott, yes, Deputy Mayor Fisher, yes, Mr. Morrison, yes, Mr. Gross, yes, Mrs. Straway, yes

Mr. Gross reminded the Committee that legal notice would be required for the adoption of the ordinance. Mr. Vex agreed to do so.

Open Public Session (agenda items only):

This portion of the meeting was opened for public comment on agenda items only.

Kathleen Draghi, 1016 Route 619 asked for clarification on who would be placing the notice and if it was the attorney would we have to pay his rate for him to do so. Mr. Vex stated he would make sure someone took care of the notice. In response to questioning by Mrs. Draghi regarding the bill list, Mr. Scott stated the bill amount was \$695,393.63 and there is a bill list binder that she could review.

There being no members of the public wishing to speak this portion of the meeting were closed.

Old Business:

Mountain Shadows Campground: Update

Mrs. Straway stated the final round of violations is being sent out at this time. Reinspections are currently being conducted and the process is moving forward.

Discussion: Township Website

Mrs. Straway stated the website is currently being reviewed due to new State requirements. She has been in contact with the school and other municipalities regarding the matter. Mrs. Straway has spoken to Christine Ramberger, who has done Frankford and Hampton websites, and there are several options. Ms. Ramberger provided an estimate of \$984.05. She distributed information to the Committee for their review.

New Business:

Sussex County Engineering: Baldwin Gate Drive over Lower Crandon Dam (Bridge #1920-S33)

This item was discussed during Mr. Morrison's report.

Discussion: Ordinance Recommendations from Planning Board – Outdoor Wood Furnace

The ordinance chapter and sections affected were provided. The ordinance can be considered for introduction at the next meeting.

Discussion: 2011 Best Practices Checklist due September 1, 2011

Mr. Morrison explained this is a State required checklist based on a point system for State aid. Mr. Morrison and Mrs. Straway will work on completing the checklist.

Seminar Request: Zoning Officer

A letter was received from Mrs. Fisher requesting to attend a Rutgers offered seminar to be held on August 12, 2011, on Municipal Regulations for Wind and Solar Powered Facilities.

Mr. Morrison made a **motion** to authorize Mrs. Fisher to attend the seminar, seconded by Mrs. Straway.

Roll Call Vote: Mayor Scott, yes, Deputy Mayor Fisher, abstain, Mr. Morrison, yes, Mr. Gross, yes, Mrs. Straway, yes

Open Public Session:

Carol Fredericks, 913 Middleville Road asked if existing OWFs would be grandfathered. Mayor Scott stated they would be.

Kathleen Draghi, 1016 Route 619 asked if there were property limits included in the OWF ordinance. Mrs. Straway indicated there were. Mrs. Draghi expressed concern with the current Committee meeting minutes not being on the website due to technical problems and she asked if the website is updated would those minutes be uploaded to the new site. Mrs. Straway stated they would be included on the new website.

Ed Szabo, 978 Route 521 reported on an article in the July 18th edition of the New Jersey Herald concerning 911 memorials including steel beams and other items from the tower site that are available to municipalities across the country. He asked the Committee to follow-up on the possibility of obtaining a beam or other item for Veteran's Memorial Park and he provided the information to the Committee. Mr. Szabo informed the Committee that an audio CD and hard copy of the slide presentation provided at the Joint Environmental Commission meeting held on June 28, 2011 in Blairstown is now available and includes information presented by Ernie Hofer and Nathaniel Sadjak, who just completed a grant funded C-1 water study on the Paulinskill River. He noted if the Committee is interested in providing a similar presentation, he could arrange it.

Sue Ramberg, 915 Plymouth Lake Drive, Environmental Commission member, stated that although existing OWFs would be grandfathered, it was recommended that the Township provide those owners with the proper burning practices as required by the State and Health Department so that those who have furnaces are using the best practices and are aware of how it is affecting their neighbors.

Amy Schwartz, 915 Duck Pond Road referred to the DPW machine that was in disrepair and asked when the roadside cutting would resume. Mayor Scott stated the equipment has been repaired and cutting is currently being done.

Mr. Gross mentioned there was an issue with obtaining the equipment parts which can only be purchased through another country and resulted in the delay.

Lisa Chammings, 928 Mt. Holly Road asked when the Municipal Clerk appointment would be discussed and why interviews were not advertised for Executive Session. Mayor Scott stated the item was moved to the end of the meeting due to the late start and the Executive Session was advertised for 6 p.m. for personnel and contract negotiations. Ms. Chammings noted that in the past interviews would be advertised as such. She asked what the cost was for the Zoning Officer's seminar and Mr. Morrison indicated it was \$110.00. She asked about the results for the 2010 Best Practices Checklist. Mr. Morrison stated not all standards are possible to meet but the municipality fared well, approximately 98 percent in 2010. Ms. Chammings asked for clarification on the website estimate. Mr. Morrison provided the following estimate: \$500 design fee; \$203.88 annual posting fee; \$180.00 (optional) maintenance; \$10.17 domain registration; \$90.00 PDF conversion for a total cost of \$984.05. Ms. Chammings stated she obtained website quotes for the Recreation Commission and would provide those to the Committee. She asked if the meeting would be opened to the public following the Executive Session. Mayor Scott indicated action may or may not be taken at that time.

Denise Current, 955 Fairview Lake Road expressed concern with dangerous conditions on Middleville Road due to the sides eroding. Mayor Scott indicated the issue will be addressed and the road project will begin within the next month.

There being no further members of the public wishing to speak, this portion of the meeting was closed to the public.

Attorney Report: No report.

Correspondence:

•Mayor's Advisory Correspondence is available for review in the Correspondence Binder.

Executive Session:

After the reading of the following Resolution to enter into Executive Session, a **motion** was made by Mr. Morrison, seconded by Mr. Fisher and unanimously carried by roll call vote to adopt the resolution permitting the Committee to go into Executive Session at 8:05 p.m.

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975 permits the exclusion of the public from a meeting under certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist.

NOW THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Stillwater, in the County of Sussex and State of New Jersey as follows:

1. The public shall be excluded from that portion of this meeting.
2. The general nature of the subject matter to be discussed is as follows: Personnel; Contract Negotiations
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There being no further business to attend to, a **motion** was made by Mr. Fisher, seconded by Mrs. Straway to conclude the Executive Session at 8:48 p.m., unanimously carried by roll call vote.

Tax Collector Computer:

Mrs. Straway made a **motion** to authorize the purchase of a computer for the main office counter for tax collecting purposes in the amount of \$580.00 from Municipal Software, seconded by Mr. Fisher

Roll Call Vote: Mayor Scott, yes, Deputy Mayor Fisher, yes, Mr. Morrison, yes, Mr. Gross, yes, Mrs. Straway, yes

The Committee agreed thank you letters would be sent to the following residents:

David Emmons for computer services; Carl Wolf for computer services; and James Grenewicz for planting the flowers at the Municipal Building and Veteran's Memorial Park.

Appointment of Acting Municipal Clerk:

Mr. Morrison made a **motion** to appoint Lynda Knott as the Acting Municipal Clerk beginning on August 22, 2011 at an annual salary of \$38,000, on a full-time basis, single benefit coverage, seconded by Mr. Fisher.

Roll Call Vote: Mayor Scott, yes, Deputy Mayor Fisher, yes, Mr. Morrison, yes, Mr. Gross, yes, Mrs. Straway, yes

At this point, this portion of the meeting was opened to the public.

Marion Gross, 912 Stillwater Road noted that only one person was interviewed for the Municipal Clerk position and she was concerned with the lack of advertisement. She was surprised with a decision being made in one night for someone not certified as a Municipal Clerk and no one else being interviewed. Mr. Morrison stated the applicant is qualified and was highly recommended.

Denise Current, 955 Middleville Road asked if there were other applicants and were they qualified. Mr. Morrison stated most were qualified for clerical work not as a Municipal Clerk. One other person was qualified but was not interviewed due to other issues with the resume.

Lisa Chamings, 928 Mt. Holly Road felt the advertisement for the position was not clear. She asked why the position was filled before the deadline for submission of resumes. Mr. Morrison stated at least 15 hours per week is spent filling OPRA requests submitted by Ms. Chamings and the position needed to be filled immediately. Ms. Chamings noted that her OPRA requests were for information on the Recreation Commission (RC) budget which she cannot get. A discussion ensued regarding Ms. Chamings contacting a township vendor for information. Mrs. Straway read an email dated July 9, 2011 from Ms. Chamings to Info@Municipal-Software.com and a response from John Buck of Municipal Software dated July 11, 2011. Ms. Chamings felt there was nothing wrong with contacting the vendor and stated she is unable to get the budget information for the RC and bills have been paid without purchase orders being signed by the RC. She noted it is August 3rd and there is still no budget available. She stated she was at town hall all day working with the CFO trying to determine if funding was available to make a purchase. She also noted that if it took fifteen hours to fill the OPRA requests she submitted then there is mismanagement somewhere. Mrs. Straway clarified that it was ten hours not fifteen.

Denise Current, 955 Middleville Road stated that Ms. Chamings has the right to search for answers and should not be reprimanded for asking questions. Mrs. Straway stated the transition has gone much slower than anticipated, and the issue was with the format provided, which is the only format that is available.

Kathleen Draghi, 1016 Route 619 asked what the process would be for the Acting Clerk to obtain certification and who would be responsible for payment. Mr. Morrison stated that two or three more classes are needed and it would take about 10 to 12 months to complete at her own expense.

Bill Steckowich, 907 Hardwick Road stated he asked Mrs. Straway if a few bill lists could be sorted in a different way so he could see if a duplicate payment was made. Mrs. Straway indicated it could not be and the attorney agreed. Mr. Steckowich stated he called MSI to ask if a check register was available and they indicated it was and could be OPRA'd. He did so and is waiting at this time to receive it.

Carol Fredericks, 913 Middleville Road asked why the questions were being posed to Mrs. Straway and not the CFO. She felt the hiring of this particular CFO was a bad choice and asked if there was a possibility of incompetence. Mrs. Straway stated she is doing work for the OPRA requests such as finding the documents and copying. Mrs. Fredericks suggested putting the bill lists on the website.

Mr. Gross stated he is a minority member of the Committee and according to Robert's Rules of Order can speak for as long as he would like to. He stated he would like the CFO to be brought into the next meeting to straighten out the issue.

Mayor Scott stated the CFO would be at the next meeting and she was told to do a breakdown for each department and have it available at the next meeting.

There being no further business, Mrs. Straway made a **motion** to adjourn the meeting at 10:32 p.m., seconded by Mr. Gross. In a voice vote, all were in favor.

Respectfully submitted,

Kathy Wunder